

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of Virginia

**Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter 13 on 1/22/13 and was converted to a case under chapter 11 on 4/18/13.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. Electronically filed documents may be viewed on Court's web site, [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov). Computer access available in Clerk's Office at address shown below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**Creditors -- Do not file this notice in connection with any proof of claim you submit to the court.**

**See Reverse Side For Important Explanations.**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Earl Nicks  
9865 Oxcrest Drive  
Fairfax Station, VA 22039

Case Number: 13-10316-BFK  
Office Code: 1

Last four digits of Social-Security or Individual Taxpayer-ID (ITIN)  
No(s)/Complete EIN:  
xxx-xx-9121

Attorney for Debtor(s) (name and address):

John D. Sawyer  
Sawyer & Azarcon  
10605 Judicial Dr., B-2  
Fairfax, VA 22030  
Telephone number: (703)893-0760

**Meeting of Creditors**

Date: **May 22, 2013**

Time: **09:00 AM**

Location: **115 South Union Street, Suite 208, Alexandria, VA 22314**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Proof of Claim**

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

For all creditors (except a governmental unit): **8/20/13**

For a governmental unit: **7/22/13**

**Deadline to File a Complaint to Determine Dischargeability of Certain Debts:**

7/22/13

**Deadline to File a Complaint Objecting to Discharge of the Debtor:**

*First date set for hearing on confirmation of plan.*

Notice of that date will be sent at a later time.

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors or within thirty (30) days after any amendment to the list or supplemental schedules is filed, whichever is later.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

200 South Washington Street  
Alexandria, VA 22314

**For the Court:**

Clerk of the Bankruptcy Court:  
William C. Redden

**McVCIS 24-hour case information:**

Toll Free 1-866-222-8029

Date: 4/23/13

## EXPLANATIONS

B9E ALT (Official Form 9E ALT) (12/12)

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. A Proof of Claim form ("Official Form B 10") can be obtained at the United States Courts Web site: ( <a href="http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx">http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx</a> ) or at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to file a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). Unless the court orders otherwise, however, the discharge will not be effective until completion of all payments under the plan. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Bankruptcy Clerk's Office	Any document that you file in this bankruptcy case should be filed either electronically, or with the Clerk's Office in Alexandria. You may view electronically filed documents, including list of debtor's property and debts and list of property claimed exempt, on Clerk's web site, <a href="http://www.vaeb.uscourts.gov">www.vaeb.uscourts.gov</a> , or at Clerk's office in Alexandria. See address on front side of this notice.

### — Refer to Other Side for Important Deadlines and Notices —

**LOCAL RULE DISMISSAL WARNING:** Case may be dismissed for failure to timely file lists, schedules and statements, or to attend meeting of creditors. (Local Bankruptcy Rules 1007-1, 1007-3, and 2003-1.) Trustee may at the meeting give notice of intention to abandon property burdensome or of inconsequential value or intent to sell nonexempt property that has an aggregate gross value less than \$2,500. Objections thereto must be filed pursuant to Local Bankruptcy Rules 6004-2 and 6007-1.

**PHOTOCOPIES** May be obtained by contacting Creative Assistant at (757) 624-9990 or by fax at (757) 624-9998.

Electronic bankruptcy notices are delivered faster than the U.S. Mail if you have a PC with Internet connection or a Fax machine. For more information, go to <http://vaeb.uscourts.gov/ebn/index.htm> or call, toll free: 877-837-3424. Case/docket information available on Internet @ [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov)

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of Virginia

In re:

Case Number: 13-10316-BFK  
Chapter 11

Earl Nicks

Social Security/Taxpayer ID Nos.:  
xxx-xx-9121

Debtor(s)

**NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM  
AND PROOFS OF INTEREST**

NOTICE IS HEREBY GIVEN that pursuant to Local Bankruptcy Rule 3003-1 the deadline set by the court under Federal Rule of Bankruptcy Procedure 3003(c) for filing proofs of claim and interest is 8/20/13 (the "Bar Date"). Claims not filed by the Bar Date with the clerk of this court will not be allowed and will be forever barred, with the following exceptions:

1. Governmental units shall have until 7/22/13, to file proofs of claim.
2. Claims and interests listed on the debtor's schedules and **not** listed as disputed, contingent, or unliquidated. (Note: a creditor who desires to rely on the schedules of creditors has the responsibility for determining that the claim is listed accurately.)
3. Unsecured claims of the type specified in Federal Rule of Bankruptcy Procedure 3002(c)(3) which arise or become allowable as a result of a judgment if the judgment is for the recovery of money or property or avoids an interest in property shall be filed within 30 days after the judgment becomes final or the Bar Date set forth above, whichever is later.
4. Claims of the type specified in Federal Rule of Bankruptcy Procedure 3002(c)(4) arising from the rejection of an executory contract or unexpired lease shall be filed within 30 days after entry of the order approving such rejection or the Bar Date set forth above, whichever is later.

Dated: 4/23/13

Proof of Claim page for Chapter 11

**FOR THE COURT:**

William C. Redden  
Clerk of the Bankruptcy Court

**Certificate of Notice Page 4 of 6**  
 United States Bankruptcy Court  
 Eastern District of Virginia

In re:  
 Earl Nicks  
 Debtor

Case No. 13-10316-BFK  
 Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0422-9

User: chandlerk  
 Form ID: B9E

Page 1 of 3  
 Total Noticed: 27

Date Rcvd: Apr 23, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 25, 2013.

db +Earl Nicks, 9865 Oxcrest Drive, Fairfax Station, VA 22039-2544  
 aty +Gregory H. Counts, Tyler, Bartl, Ramsdell & Counts, PLC, 300 North Washington St. Suite 202, Alexandria, VA 22314-2530  
 aty +Patti H. Bass, Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083  
 aty +Roderick H. Angus, Huston & Angus, 5529 Lee Highway, Arlington, VA 22207-1613  
 cr +Pentagon Federal Credit Union, c/o Huston & Angus, PLC, 5529 Lee Highway, Arlington, VA 22207-1613  
 cr +WELLS FARGO BANK, NA, 236 CLEARFIELD AVENUE SUITE 215, VIRGINIA BEACH, VA 23462-1893  
 11580932 +Capl/bstby, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3438  
 11613464 +Capital One, N.A., Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083  
 11580933 +Chase, Po Box 24696, Columbus, OH 43224-0696  
 11580937 +Home Comings Financial / GMAC Mortgage, Attention: Bankruptcy Dept, 1100 Virginia Drive, Fort Washington, PA 19034-3204  
 11580941 +Pentagon Federal Cr Un, Po Box 1400, Alexandria, VA 22313-1400  
 11580942 +Pentagon Federal Cr Un, Attention: Bankruptcy Department, 2930 Eisenhower Ave, Alexandria, VA 22314-4557  
 11580946 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING, ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir, Frederick, MD 21701-0000)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

aty E-mail/Text: sa@sawyerazarcon.com Apr 24 2013 05:45:53 John D. Sawyer, Sawyer & Azarcon, 10605 Judicial Dr., B-2, Fairfax, VA 22030  
 11619657 +EDI: CBSAAFES.COM Apr 24 2013 05:13:00 AAFES/MIL STAR/EXCHANGE, c/o Creditors Bankruptcy Service, P.O. Box 740933, Dallas, TX 75374-0933  
 11580931 +EDI: GMACFS.COM Apr 24 2013 05:13:00 Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300  
 11612890 +EDI: ACCE.COM Apr 24 2013 05:13:00 Asset Acceptance LLC, P.O. Box 2036, Warren Mi 48090-2036  
 11580934 +EDI: CITICORP.COM Apr 24 2013 05:13:00 Citibank Na, Attn.: Centralized Bankruptcy, Po Box 20363, Kansas City, MO 64195-0363  
 11580935 +EDI: CIAC.COM Apr 24 2013 05:13:00 Citimortgage Inc, Po Box 9438, Gaithersburg, MD 20898-9438  
 11580936 +E-mail/Text: dmurray@hillcrestdavidson.com Apr 24 2013 05:58:46 Hillcrest Davidson & A, 850 N Dorothy Dr Ste 512, Richardson, TX 75081-2794  
 11580938 +EDI: IRS.COM Apr 24 2013 05:13:00 IRS, PO Box 7346, Philadelphia, PA 19101-7346  
 11580939 +EDI: RMSC.COM Apr 24 2013 05:13:00 Lowes / MBGA / GEMB, Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104  
 11580940 +EDI: CBSAAFES.COM Apr 24 2013 05:13:00 Military Star/AAFES, Aafes, Po Box 650060, Dallas, TX 75265-0060  
 11594557 +EDI: STFI.COM Apr 24 2013 05:13:00 SunTrust Bank, Attn. Support Services, P.O. Box 85092, Richmond, VA 23286-0001  
 11580943 +EDI: STFI.COM Apr 24 2013 05:13:00 Suntrust Mortgage/cc 5, Attention: Bankruptcy, 1001 Semmes Ave, Rvw-7941, Richmond, VA 23286-0001  
 11580944 +EDI: TDBANKNORTH.COM Apr 24 2013 05:13:00 Td Bank N.a., 32 Chestnut Street, Lewiston, ME 04240-7799  
 11580945 +EDI: USAA.COM Apr 24 2013 05:13:00 Usaa Savings Bank, Po Box 47504, San Antonio, TX 78265-7504

TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Cynthia Gordon-Nicks  
 cr\* +Capital One, N.A., Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083

TOTALS: 1, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0422-9

User: chandlerk  
Form ID: B9E

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Total Noticed: 27

Date Rcvd: Apr 23, 2013

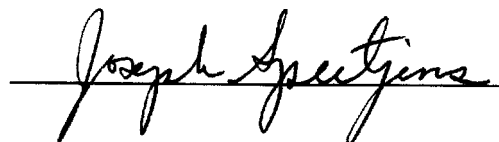
\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 25, 2013

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", is written over a horizontal line.

District/off: 0422-9

User: chandlerk  
Form ID: B9E

Page 3 of 3  
Total Noticed: 27

Date Rcvd: Apr 23, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 23, 2013 at the address(es) listed below:

Gregory H. Counts on behalf of Creditor Cynthia Gordon-Nicks gcounts@tbrclaw.com

John D. Sawyer on behalf of Debtor Earl Nicks sa@sawyerazarcon.com,  
jds@sawyerazarcon.com;tysonlaw111@aol.com

Patti H. Bass on behalf of Creditor Capital One, N.A. ecf@bass-associates.com

Roderick H. Angus on behalf of Creditor Pentagon Federal Credit Union rangus@halawfirm.com

TOTAL: 4